

are used to point out changeable channels, and which in consequence cannot be made permanent. (June 23, 1874, c. 455, § 1, 18 Stat. 220.)

This section was omitted from the Code.

744. Superintendents of lighthouses.—

"salary" in heading of this section should be omitted.

747a. Benefits of Public Health Service to officers and employees of Lighthouse Service; medical services for crews of vessels.—(a) Officers and employees of the Lighthouse Service entitled to the benefits of the Public Health Service shall also be entitled to such benefits, without charge, at other than hospitals or stations of the Public Health Service, under regulations promulgated by the Secretary of the Treasury and the Secretary of Commerce.

(b) The Public Health Service is authorized, in the discretion of the Secretary of the Treasury, to provide medical, surgical, and hospital services and supplies for the officers and crews of vessels of the Lighthouse Service, including when practicable the detail of medical officers on such vessels. (May 22, 1926, c. 371, § 3, 44 Stat. 626.)

For title of Act see note to § 740a.

747b. Lighthouse keepers; traveling expenses incurred in obtaining medical attention.—The appropriation, "General expenses, Lighthouse Service," shall be available, under rules prescribed by the Secretary of Commerce, for paying the actual and necessary traveling expenses of lighthouse keepers at isolated stations incurred in obtaining medical attention. (Feb. 25, 1929, c. 313, § 1, 45 Stat. 1261.)

The Act cited to the text was entitled "An act to improve the efficiency of the Lighthouse Service, and for other purposes."

Sections 2 and 4 of said Act are omitted as temporary.

749. Reimbursement of lighthouse keepers, and so forth, for clothing, etc., furnished shipwrecked persons.—

"37 Stat. 230" in citation to this section should read "37 Stat. 230."

752a. Sale of equipment; disposition of receipts.—The Commissioner of Lighthouses is authorized, under regulations approved by the Secretary of Commerce, to sell apparatus or equipment manufactured by or in use in the Lighthouse Service, which is not readily procurable in the open market. The money received from any such sale shall be deposited in the Treasury to the credit of the current appropriation for general expenses, Lighthouse Service. (May 22, 1926, c. 371, § 5, 44 Stat. 626.)

For title of Act see note to § 740a.

754. Sale of clothing to employees.—

"37 Stat. 230" in citation to this section should read "37 Stat. 230."

754a. Purchase of commissary and quartermaster supplies.—Officers and crews of vessels of the Lighthouse Service and light keepers and depot keepers of the Lighthouse Service shall be permitted to purchase commissary and quartermaster supplies from the Army, Navy, or Marine Corps at the price charged officers and enlisted men of the Army, Navy, or Marine Corps. (May 2, 1926, c. 371, § 4, 44 Stat. 626.)

For title of Act see note to § 740a.

763a. Retirement of officers and employees.—The provisions of section 763 of this title shall apply to the Commissioner of Lighthouses, the Deputy Commissioner of Lighthouses, the Chief Constructing Engineer, and the Superintendent of Naval Construction of the Lighthouse Service. (May 22, 1926, c. 371, § 7, 44 Stat. 626.)

For title of Act see note to § 740a.

763b. Hospital facilities for retired officers and employees.—Hospital and out-patient facilities of the Public Health Service shall be available at the same cost applicable to retired officers

and men in other branches of the Government service, under joint regulations to be prescribed by the Secretary of the Treasury and the Secretary of Commerce, to light keepers and assistant light keepers (who during their active service were entitled to medical relief at hospitals and other stations of the Public Health Service), and officers and crews of vessels of the Lighthouse Service, who have been or who may hereafter be retired under the provisions of section 763 of this title, notwithstanding any other provision of law. (June 24, 1930, c. 597, 46 Stat. 807.)

The act cited to the text was entitled "An Act to extend hospital facilities to certain retired officers and employees of the Lighthouse Service and to improve the efficiency of the Lighthouse Service."

769. Aids to navigation in Panama.—The Secretary of Commerce is authorized, subject to the consent of the Republic of Panama and suitable diplomatic arrangements for protecting the interests of the United States, to establish and maintain aids to navigation, including the purchase of sites, if necessary, on Jicarita Island and on Morro Puerco in the approaches to the Panama Canal from the Pacific Ocean, said sites belonging to the Republic of Panama. (Feb. 25, 1929, c. 313, § 3, 45 Stat. 1262.)

See note to § 747b.

Chapter 17.—COAST AND GEODETIC SURVEY.

GENERAL PROVISIONS

Section 851. Commissioned personnel; relative rank with Navy; retired officers; assistant director.—

The proviso of this section should be omitted from the Code as it is temporary legislation repeated from year to year in Appropriation Acts.

852. Director; appointment; pay and allowances.—

This section has been superseded so far as it relates to the pay and allowances of the Director of the Coast and Geodetic Survey by § 852a of this title.

852a. Director; pay and allowances.—The Director of the Coast and Geodetic Survey shall have the pay and allowances of a rear admiral (lower half) of the Navy. (Feb. 10, 1929, c. 221, § 5, 45 Stat. 1187.)

861. Expenses when traveling on Government-owned vessels.—

This section was repeated in the State, etc., Departments Appropriation Act of Apr. 29, 1926, c. 105, Title III, 44 Stat. 362.

864a. Retired pay.—The retired pay of the officers and warrant officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, who were retired on or before June 30, 1922, shall not be less than that provided for the officers and warrant officers of these services of equal rank and length of service retired subsequent to that date: *Provided*, That nothing in this section shall operate to reduce the pay of any officer or warrant officer now on the retired list. (May 8, 1926, c. 274, § 1, 44 Stat. 417.)

The Act cited to the text was entitled "An Act to equalize the pay of retired officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service."

Section 2 of said Act provides as follows:

"That all Acts or parts of Acts inconsistent with this Act [this section] are hereby repealed."

865. Computation of length of service of officers; service at Naval or Military Academy.—

This section was repeated in the Navy Department Appropriation Act of May 21, 1926, c. 355, 44 Stat. 604.

SURVEYS

★**887. Allowance for subsistence to officers of Army or Navy.**—

"superintendent" in line 11 of this section should read "director" by authority of § 852 of this title.

888. Report to Congress on coast surveys.—[Repealed.]

This section was repealed by Act May 20, 1928, c. 901, § 1, 45 Stat. 989, 994, which provides, "That the following reports and statements now required by law to be made to Congress are hereby discontinued, and all Acts or parts of Acts herein cited as requiring the submission of such statements and reports are hereby repealed to the extent of such requirement: * * *

"104. Report by the Coast and Geodetic Survey, showing the number and names of persons employed during the last preceding fiscal year upon the coast survey and business connected therewith. (Revised Statutes, section 264, page 44; Revised Statutes, section 4690, page 911; title 33, section 888, United States Code.)"

For title of Act see note to § 552.

Chapter 18.—LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT.

Section 901. Short title.—This chapter may be cited as "Longshoremen's and Harbor Workers' Compensation Act." (Mar. 4, 1927, c. 509, § 1, 44 Stat. 1424.)

The Act cited to the text was entitled "An Act to provide compensation for disability or death resulting from injury to employees in certain maritime employments, and for other purposes."

Section 51 of said Act provides as follows:

"Sections 30 to 51, inclusive [§§ 939-950 of this chapter], shall become effective upon the passage of this Act [March 4, 1927], and the remainder of this Act [§§ 901-938 of this chapter] shall become effective on July 1, 1927."

Application of chapter to District of Columbia.—Act May 17, 1928, c. 612, 45 Stat. 600, entitled "An Act to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes," provides as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the Act entitled 'Longshoremen's and Harbor Workers' Compensation Act,' approved March 4, 1927 [this chapter], including all amendments that may hereafter be made thereto, shall apply in respect to the injury or death of an employee of an employer carrying on any employment in the District of Columbia, irrespective of the place where the injury or death occurs; except that in applying such provisions the term 'employer' shall be held to mean every person carrying on any employment in the District of Columbia, and the term 'employee' shall be held to mean every employee of any such person."

"Sec. 2. This Act shall not apply in respect to the injury or death of (1) a master or member of a crew of any vessel; (2) an employee of a common carrier by railroad when engaged in interstate or foreign commerce or commerce solely within the District of Columbia; (3) an employee subject to the provisions of the Act entitled 'An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1910, as amended [see chapter 15 of Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES]; and (4) an employee engaged in agriculture, domestic service, or any employment that is casual and not in the usual course of the trade, business, occupation, or profession of the employer."

"Sec. 3. This Act shall take effect July 1, 1928."

902. Definitions.—When used in this chapter—

(1) The term "person" means individual, partnership, corporation, or association.

(2) The term "injury" means accidental injury or death arising out of and in the course of employment, and such occupational disease or infection as arises naturally out of such employment or as naturally or unavoidably results from such accidental injury, and includes an injury caused by the willful act of a third person directed against an employee because of his employment.

(3) The term "employee" does not include a master or member of a crew of any vessel, nor any person engaged by the master to load or unload or repair any small vessel under eighteen tons net.

(4) The term "employer" means an employer any of whose employees are employed in maritime employment, in whole or in part, upon the navigable waters of the United States (including any dry dock).

(5) The term "carrier" means any person or fund authorized under section 932 to insure under this chapter and includes self-insurers.

(6) The term "commission" means the United States Employees' Compensation Commission.

(7) The term "deputy commissioner" means the deputy commissioner having jurisdiction in respect of an injury or death.

(8) The term "State" includes a Territory and the District of Columbia.

(9) The term "United States" when used in a geographical sense means the several States and Territories and the District of Columbia, including the territorial waters thereof.

(10) "Disability" means incapacity because of injury to earn the wages which the employee was receiving at the time of injury in the same or any other employment.

(11) "Death" as a basis for a right to compensation means only death resulting from an injury.

(12) "Compensation" means the money allowance payable to an employee or to his dependents as provided for in this chapter, and includes funeral benefits provided therein.

(13) "Wages" means the money rate at which the service rendered is recompensed under the contract of hiring in force at the time of the injury, including the reasonable value of board, rent, housing, lodging, or similar advantage received from the employer, and gratuities received in the course of employment from others than the employer.

(14) "Child" shall include a posthumous child, a child legally adopted prior to the injury of the employee, and a stepchild or acknowledged illegitimate child dependent upon the deceased, but does not include married children unless wholly dependent on him. "Grandchild" means a child as above defined of a child as above defined. "Brother" and "sister" include stepbrothers and stepsisters, half brothers and half sisters, and brothers and sisters by adoption, but does not include married brothers nor married sisters unless wholly dependent on the employee. "Child," "grandchild," "brother," and "sister" include only persons who at the time of the death of the deceased employee are under eighteen years of age.

(15) The term "parent" includes step-parents and parents by adoption, parents-in-law, and any person who for more than three years prior to the death of the deceased employee stood in the place of a parent to him, if dependent on the injured employee.

(16) The term "widow" includes only the decedent's wife living with or dependent for support upon him at the time of his death; or living apart for justifiable cause or by reason of his desertion at such time.

(17) The term "widower" includes only the decedent's husband who at the time of her death lived with her and was dependent for support upon her.

(18) The terms "adoption" or "adopted" mean legal adoption prior to the time of the injury.

(19) The singular includes the plural and the masculine includes the feminine and neuter. (Mar. 4, 1927, c. 509, § 2, 44 Stat. 1424.)

See note to § 901.

903. Coverage.—(a) Compensation shall be payable under this chapter in respect of disability or death of an employee, but only if the disability or death results from an injury occurring upon the navigable waters of the United States (including any dry dock) and if recovery for the disability or death through workmen's compensation proceedings may not validly be provided by State law. No compensation shall be payable in respect of the disability or death of—

(1) A master or member of a crew of any vessel, nor any person engaged by the master to load or unload or repair any small vessel under eighteen tons net; or